

**REMARKS**

Claims 1-46 were examined by the Office, and in the final Office Action of September 8, 2008 all claims are rejected. With this response claims 1, 16, 31 and 46 are amended, and claims 7 and 36 are cancelled. All amendments are fully supported by the specification as originally filed. Support for the amendments can be found at least from cancelled claims 7 and 36. Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion.

This response is submitted along with a Request for Continued Examination (RCE).

**Claim Rejections - 35 USC §102**

In section 6, on page 3 of the Office Action, claims 1-2, 4, 6, 8, 11-12, 15-17, 19, 23-26, 30-31, 33, 35, 37-38, 40, 42 and 45-46 are rejected under 35 U.S.C. § 102(e) as anticipated by Sato et al. (U.S. Patent No. 7,167,898). With this response, claim 1 is amended to include the limitations from claim 7. On page 8 of the Office Action, the Office acknowledges that Sato does not disclose the limitations recited in claim 7, and relies upon Ozzie (U.S. Patent No. 6,640,241). Therefore, applicant respectfully submits that the rejection of claim 1 as anticipated by Sato is moot in view of the amendment to claim 1. Accordingly, the rejection of claim 1 will be addressed with respect to Sato in view of Ozzie.

Independent claims 16, 31 and 46 are amended in a manner similar to claim 1, and therefore are also not disclosed or suggested by Sato alone. The claims depending from the above mentioned independent claims are also not disclosed or suggested by Sato at least in view of their dependencies.

**Claim Rejections - 35 USC §103**

In section 33, on page 8 of the Office Action, claims 3, 5, 7, 9, 18, 20-21, 27, 32, 34 and 36 are rejected under 35 U.S.C. § 103(a) as unpatentable over Sato in view of Ozzie. As mentioned above, the limitations from claim 7 are incorporated into claim 1, and therefore the rejection of claim 1 will be addressed with respect to Sato in view of Ozzie. Applicant respectfully submits that claim 1 is not disclosed or suggested by the cited references, because the cited references fail to disclose or suggest all of the limitations recited in claim 1. The cited references at least fail to disclose or suggest that the notifications comprise presence information of the far-end party, and even if the cited references do disclose this limitation of claim 1, which applicant does not admit, there is no motivation to combine the cited references.

The Office acknowledges on page 8 of the Office Action that Sato does not disclose that the notification comprise presence information of the far-end party, and relies upon Ozzie for this teaching. However, Ozzie only states that a presence mechanism may maintain and distribute, on request, the network connection status information which is acquired from each of the network-capable devices. See Ozzie Abstract. In Ozzie, when a peer unit (314A) is not connected to the network the communications manager (622) employs a presence detector (430) to ascertain whether the peer unit is connected, and if not, the communications manager stores outbound deltas in an outbound delta store until the connection is restored. See Ozzie column 15, lines 27-32. A relay (316) may receive the outbound deltas, store them as necessary in a delta store, and then forward them when the destination peer unit is reconnected. See Ozzie column 15, lines 37-40. However, merely having a presence detector (430) determine whether a peer unit is connected to the network is not the equivalent of sending notifications that include presence information to the far-end party, where the notifications are in response to the at least one communication action. In Ozzie, the presence detector merely determines whether a peer unit is connected, but the presence detector never sends notifications that include presence information to

a far-end party in response to a communication action. Instead, the outbound deltas are stored for later retransmission when the peer unit becomes reconnected to the network. This is entirely distinct from the limitations now recited in claim 1. Therefore, for at least this reason, claim 1 is not disclosed or suggested by the cited references.

In addition, in rejecting claim 7 on page 8 of the Office Action the Office merely points to the sections of Ozzie that are asserted by the Office to disclose the limitations of claim 7. However, the Office has provided no motivation as to why one of ordinary skill in the art would be motivated to combine the teachings of Ozzie with those of Sato to arrive at the recited limitations. See MPEP § 2143 (The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit). Therefore, since the Office has not explicitly articulated the reasons why the limitations of claim 7, now incorporated into claim 1, are obvious in view of Sato and Ozzie, applicant respectfully requests withdrawal of the rejection to claim 1.

Independent claims 16, 31 and 46 are amended in a manner similar to claim 1, and therefore are also not disclosed or suggested by the cited references. The claims depending from the above mentioned independent claims are also not disclosed or suggested by the cited references at least in view of their dependencies.

In section 45, on page 10 of the Office Action, claims 10, 22, 39 and 41 are rejected under 35 U.S.C. § 103(a) as unpatentable over Sato in view of Toth et al. (U.S. Appl. Publ. No. 2005/0053068). The claims rejected above all ultimately depend from an independent claim, and Toth fails to make up for the deficiencies in the teachings of

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Sato identified with respect to the independent claims. Therefore, the claims are not disclosed or suggested by the cited references at least in view of their dependencies.

In section 50, on page 11 of the Office Action, claims 13-14, 28-29 and 43-44 are rejected under 35 U.S.C. § 103(a) as unpatentable over Sato in view of Denman et al. (U.S. Patent No. 7,170,863). The claims rejected above all ultimately depend from an independent claim, and Denman fails to make up for the deficiencies in the teachings of Sato identified with respect to the independent claims. Therefore, the claims are not disclosed or suggested by the cited references at least in view of their dependencies.

### Conclusion

It is therefore respectfully submitted that the present application is in condition for allowance and such action is earnestly solicited. The undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

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